

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

RICHARD KEMNER,)	
)	Case No. 3:19-cv-20
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge H. Bruce Guyton
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
<i>Defendant.</i>)	

ORDER

On February 12, 2020, United States Magistrate Judge H. Bruce Guyton filed his report and recommendation (Doc. 24) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). In his report and recommendation, Magistrate Judge Guyton recommended that Plaintiff Richard Kemner’s petition for writ of injunction (Doc. 4), motion for default judgment (Doc. 9), and motion for summary judgment (Doc. 17) be denied. (*See generally* Doc. 24.) Magistrate Judge Guyton also recommended that Defendant’s motion for summary judgment (Doc. 22) be granted. (Doc. 24.)

Neither party filed objections to Magistrate Judge Guyton’s report and recommendation.¹ Nevertheless, the Court has conducted a reviewed the report and recommendation, as well as the record, and it agrees with Magistrate Judge Guyton’s well-reasoned conclusions.

¹ Magistrate Judge Guyton specifically advised the parties that they had 14 days in which to object to the report and recommendation and that failure to do so would waive his right to appeal. (Doc. 24, at 33); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Guyton's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure (Doc. 24);
- Plaintiff's petition for writ of injunction (Doc. 4), motion for default judgment (Doc. 9), and motion for summary judgment (Doc. 17) are **DENIED**;
- Defendant's motion for summary judgment (Doc. 22) is **GRANTED**; and
- The decision of the Commissioner is **AFFIRMED**.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.